

State of Illinois 91st General Assembly Final Senate Journal

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIRST GENERAL ASSEMBLY

106TH LEGISLATIVE DAY

WEDNESDAY, NOVEMBER 15, 2000

9:00 O'CLOCK A.M.

No. 106

[Nov. 15, 2000]

2

The Senate met pursuant to adjournment.
Senator Adeline J. Geo-Karis, Zion, Illinois, presiding.
Prayer by Pastor John Standard, Springfield Bible Church,
Springfield, Illinois.
Senator Radogno led the Senate in the Pledge of Allegiance.

The Journal of Tuesday, November 14, 2000, was being read when on motion of Senator Myers further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 73

BE IT RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the two Houses shall convene in Joint Session on Wednesday, November 15, 2000 at the hour of 11:00 o'clock a.m., to hear Ambassador Fernando Remirez, Chief Principal Officer of the Cuban Interests Section from Washington D.C.

Adopted by the House, November 14, 2000.

ANTHONY D. ROSSI, Clerk of the House

By unanimous consent, on motion of Senator Hawkinson, the foregoing message reporting **House Joint Resolution No. 73** was taken up for immediate consideration.

Senator Weaver moved that the Senate concur with the House in the adoption of the resolution.

The motion prevailed.

And the Senate concurred with the House in the adoption of the resolution.

Ordered that the Secretary inform the House of Representatives thereof.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 445

Offered by Senator Lauzen and all Senators:

Mourns the death of Charles Thomas Padilla.

SENATE RESOLUTION NO. 446

Offered by Senator Lightford and all Senators:

Mourns the death of Luevenia Shavers of Chicago.

The foregoing resolutions were referred to the Resolutions Consent Calendar.

Senators Obama, Burzynski, Karpiel, L. Madigan and O'Daniel offered the following Senate Joint Resolution, which was referred to

[Nov. 15, 2000]

the Committee on Rules:

SENATE JOINT RESOLUTION NO. 75

WHEREAS, On June 13, 2000, the Illinois Commerce Commission adopted emergency rules titled "Requirements for Non-Business Entities with Private Business Switch Service to Comply with the

Emergency Telephone System Act" (83 Ill. Adm. Code 727; 24 Ill. Reg. 8635); and

WHEREAS, The emergency rules adopted by the Commission establish Enhanced 9-1-1 emergency telephone system requirements for schools, local governments and not-for-profit organizations unless exempted by the Emergency Telephone System Act; and

WHEREAS, The emergency rules were adopted by the Commission in response to a filing prohibition voted on April 28, 2000 for rules titled "Requirements for Businesses with Private Business Switch Service to Comply with the Emergency Telephone System Act" (83 Ill. Adm. Code 726; 24 Ill. Reg. 1) and withdrawn on June 13, 2000 because the Commission modified the rulemaking to meet the objections of the General Assembly's Joint Committee on Administrative Rules (JCAR) concerning the application of the rulemaking to schools, governmental units and not-for-profit organizations and the creation of an undue economic and regulatory burden on business entities; and

WHEREAS, JCAR noted that the Commission's emergency rulemaking of June 13, 2000 contained the same provisions applicable to schools, governmental units and not-for-profit corporations that were withdrawn by the Commission from its prior, broader rulemaking; and

WHEREAS, JCAR, during its review of the emergency rulemaking as directed by the Illinois Administrative Procedure Act, determined that the rulemaking was contrary to statute and also constituted a serious threat to the public interest and welfare; and

WHEREAS, JCAR based its determination that the emergency rulemaking adopted by the Commission was contrary to legislative intent on the fact that the Commission exceeded its statutory authority under Section 15.6 of the Emergency Telephone System Act by extending the application of the Act to schools, local governments and not-for-profit organizations through the emergency telephone system regulations contained in the emergency rules; and

WHEREAS, Strict adherence to legislative intent as expressed through statute and a concern for the well-being and welfare of Illinois citizens, including school children, are all elements of the JCAR review process, as directed by the Illinois Administrative Procedure Act; and

WHEREAS, Based on this determination, the Joint Committee on Administrative Rules suspended the above cited rulemaking; and

WHEREAS, Because Section 5-125 of the Illinois Administrative Procedure Act states that a suspension of an agency's emergency rulemaking is effective for a period of at least 180 days, the suspension issued by JCAR commenced June 13, 2000 and will terminate on December 9, 2000, unless continued by the adoption of this Joint Resolution by both houses of the General Assembly as provided by Section 5-125(c) of the Illinois Administrative Procedure Act; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the General Assembly hereby continues the suspension issued by the Joint Committee on Administrative Rules on June 13, 2000 of the Illinois Commerce Commission's emergency rulemaking titled "Requirements for Non-Business Entities with Private Business Switch Service to Comply with the Emergency Telephone System Act" (83 Ill. Adm. Code 727; 24 Ill. Reg. 8635); and be it further

[Nov. 15, 2000]

RESOLVED, That copies of this preamble and resolution be forwarded to the Executive Director of the Joint Committee on Administrative Rules and to the Chairman and Executive Director of the Illinois Commerce Commission.

At the hour of 9:16 o'clock a.m., the Chair announced that the Senate stand at recess for the purpose of proceeding to the House of Representatives to meet in joint session pursuant to House Joint Resolution No. 73.

**JOINT SESSION
11:00 O'CLOCK A.M.**

The hour having arrived, the time heretofore fixed by Joint Resolution adopted by the Senate and the House of Representatives, the Joint Session convened for the purpose of hearing Ambassador Fernando Ramirez, Chief Principal Officer of the Cuban Interests Section from Washington D.C.

The Senate, preceded by its President and Secretary, appeared in the Hall of the House of Representatives and, by direction of the Speaker, took the seats assigned them.

The two Houses being convened in Joint Session, the President of the Senate announced that a quorum of the Senate was present.

The Speaker of the House of Representatives announced that a quorum of the House was present.

A majority of each House of the General Assembly being present, the Speaker of the House announced the Joint Session duly formed.

The Speaker acknowledges the Dignitaries: Mrs. Lura Lynn Ryan, Mrs. Patricia Ramirez, Dr. Odalys Laso, Dr. Noberto Miranda, Bob Newton, Director Pam McDonough and Shirley Madigan.

Governor George H. Ryan introduces Ambassador Fernando Ramirez, Chief Principal Officer of the Cuban Interests Section from Washington D.C.

Ambassador Fernando Ramirez Addresses the Joint Session.

At the hour of 11:28 o'clock a.m., Senator Philip moved that the Joint Assembly do now arise.

The motion prevailed.

AFTER RECESS

At the hour of 12:50 o'clock p.m., the Senate resumed consideration of business.

Senator Maitland, presiding.

LEGISLATIVE MEASURE FILED

The following floor amendment to the Senate Bill listed below has

been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 1 to Senate Bill 1191

[Nov. 15, 2000]

5

REPORTS FROM STANDING COMMITTEES

Senator Klemm, Chairperson of the Committee on Executive to which was referred **Senate Bill No. 1975** reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Klemm, Chairperson of the Committee on Executive to which was referred **House Bill No. 4659** reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator Klemm, Chairperson of the Committee on Executive to which was referred **House Bills numbered 3612, 3617, 3619 and 4663** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Klemm, Chairperson of the Committee on Executive to which was referred **Senate floor Amendment No. 1 to Senate Bill No. 1869**, reported the same back with the recommendation that it be adopted.

Under the rules, the foregoing amendment is eligible for consideration on second reading.

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred **House Bills numbered 4267 and 4279** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

REPORTS FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, during its November 15, 2000 meeting, reported the following House Bill has been assigned to the indicated Standing Committee of the Senate:

Executive: **House Bill No. 851.**

Senator Weaver, Chairperson of the Committee on Rules, during its November 15, 2000 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Executive: **Senate Amendment No. 1 to Senate Bill 1191.**

Senator Weaver, Chairperson of the Committee on Rules, during its November 15, 2000 meeting, reported the following Joint Action Motion has been assigned to the indicated Standing Committee of the Senate:

Executive: **Motion to Concur with House Amendments numbered 1 and 2 to Senate Bill No. 1281.**

Senator Weaver, Chairperson of the Committee on Rules, reported that **Senate Bill No. 1191** having been re-referred from the Committee on State Government Operations to the Committee on Rules on March 20, 1999, pursuant to Senate Rule 3-9a, has been approved for consideration by the Rules Committee.

Under the rules, the bill was ordered to a second reading.

[Nov. 15, 2000]

6

Senator Weaver, Chairperson of the Committee on Rules, reported that **House Bill No. 1284** having been re-referred from the Committee on Executive to the Committee on Rules on April 1, 2000, pursuant to Senate Rule 3-9a, has been approved for consideration by the Rules Committee.

Under the rules, the bill was ordered to a second reading.

CONSIDERATION OF GOVERNOR'S VETO MESSAGES

Pursuant to Motion in Writing filed and journalized on November 14, 2000, Senator Dillard moved that **Senate Bill No. 1426** do pass, the veto of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

Yeas 30; Nays 28.

The following voted in the affirmative:

Bomke
Burzynski
Cronin
Dillard
Donahue
Dudycz
Hawkinson
Jones, W.
Karpiel
Klemm
Lauzen
Luechtefeld
Madigan, R.
Mahar
Maitland
Myers

Noland
O'Malley
Peterson
Petka
Radogno
Rauschenberger
Roskam
Shadid
Sieben
Syverson
Walsh, T.
Watson
Weaver
Mr. President

The following voted in the negative:

Bowles
Clayborne
Cullerton
DeLeo
del Valle
Demuzio
Geo-Karis

[Nov. 15, 2000]

7

Halvorson
Hendon
Jacobs
Jones, E.
Lightford
Link
Madigan, L.
Mitchell
Molaro
Munoz
Obama
O'Daniel
Parker
Ronen
Shaw
Silverstein
Smith
Sullivan
Viverito
Walsh, L.
Welch

The motion having failed to receive the vote of three-fifths of the members elected was lost.

Senator Trotter asked and obtained unanimous consent for the Journal to reflect his negative vote on **Senate Bill No. 1426**.

Pursuant to Motion in Writing filed on November 9, 2000 and journalized on November 14, 2000, Senator Karpier moved to accept the Governor's specific recommendations for change to **Senate Bill No. 810**.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpier
Klemm

[Nov. 15, 2000]

Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Maitland
Mitchell
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson

Petka
Radogno
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Mr. President

The motion prevailed.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Pursuant to Motion in Writing filed on November 9, 2000 and journalized November 14, 2000, Senator Silverstein moved to accept the Governor's specific recommendations for change to **Senate Bill No. 1382**.

And on that motion, a call of the roll was had resulting as follows:

Yeas 59; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo

[Nov. 15, 2000]

del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon

Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Maitland
Mitchell
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Mr. President

The motion prevailed.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Pursuant to Motion in Writing filed and journalized on November 14, 2000, Senator W. Jones moved to accept the Governor's specific recommendations for change to **Senate Bill No. 1404**.

[Nov. 15, 2000]

And on that motion, a call of the roll was had resulting as follows:

Yeas 59; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpier
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Maitland
Mitchell
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson

Trotter
Viverito
Walsh, L.

[Nov. 15, 2000]

11

Walsh, T.
Watson
Weaver
Welch
Mr. President

The motion prevailed.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Radogno, **Senate Bill No. 1869** was recalled from the order of third reading to the order of second reading.

Senator Radogno offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1869 by replacing the title with the following:

"AN ACT to amend the Recycled Content Products Study Act."; and by replacing everything after the enacting clause with the following:

"Section 5. The Recycled Content Products Study Act is amended by changing Sections 15 and 90 as follows:

(20 ILCS 4023/15)

(Section scheduled to be repealed on January 1, 2001)

Sec. 15. Report. The Task Force shall report its findings and recommendations to the Governor and General Assembly no later than December 31, 2001 ~~July 1, 2000~~.

(Source: P.A. 91-167, eff. 7-16-99.)

(20 ILCS 4023/90)

(Section scheduled to be repealed on January 1, 2001)

Sec. 90. Repealer. This Act is repealed January 1, 2002 ~~2001~~.

(Source: P.A. 91-167, eff. 7-16-99.)

Section 99. Effective date. This Act takes effect upon becoming law."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

READING A BILL OF THE SENATE A THIRD TIME

On motion of Senator Watson, **Senate Bill No. 1867**, having been

transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

Senator Demuzio requested a ruling from the Chair as the the number of votes required for the passage of **Senate Bill No. 1867**.

The Chair ruled that a vote of three-fifths of the members elected would be required for the passage of Senate Bill No. 1867.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 46; Nays 12.

The following voted in the affirmative:

[Nov. 15, 2000]

12

Bomke
Bowles
Burzynski
Cronin
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Jacobs
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, R.
Mahar
Maitland
Mitchell
Munoz
Myers
Noland
O'Daniel
O'Malley
Parker
Peterson
Petka
Rauschenberger
Roskam
Shadid
Sieben
Silverstein
Sullivan

Syverson
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Mr. President

The following voted in the negative:

Cullerton
Hendon
Jones, E.
Madigan, L.
Molaro
Obama
Radogno
Ronen
Shaw
Smith
Trotter

[Nov. 15, 2000]

13

Viverito

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILL ON SECRETARY'S DESK

On motion of Senator Rauschenberger, **Senate Bill No. 1707**, with House Amendments numbered 1 and 5 on the Secretary's Desk, was taken up for immediate consideration.

Senator Rauschenberger moved that the Senate non-concur with the House in the adoption of their amendments to said bill.

The motion prevailed.

And the Senate non-concurred with the House in the adoption of their Amendments numbered 1 and 5 to **Senate Bill No. 1707**.

Ordered that the Secretary inform the House of Representatives thereof.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Sullivan, **Senate Bill No. 1191** having been printed, was taken up and read by title a second time.

Floor Amendment No. 1 was filed earlier today and referred by the Rules Committee to the Executive Committee.

There being no further amendments the bill was ordered to a third reading.

On motion of Senator Myers, **Senate Bill No. 1975** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1975 on page 1, by replacing lines 7 through 19 with the following:

"Sec. 4e. Recovery of lands; payment of legal fees. The Attorney General may authorize, from funds available for that purpose, the payment or reimbursement of reasonable and appropriate legal fees incurred by any person, unit of local government, or school district in defending any litigation, action, or proceeding brought to recover lands within the State from such person, unit of local government, or school district, if the litigation, action, or proceeding is based upon an allegation that the title or a beneficial interest in the title is derived from an invalid federal land patent and the Attorney General finds that a loss of State sovereignty or jurisdiction over those lands or liability for rents or damages may result if the land patent is held to be invalid."

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

INTRODUCTION OF A BILL

[Nov. 15, 2000]

14

SENATE BILL NO. 1977. Introduced by Senators Rauschenberger - Noland, a bill for AN ACT concerning taxation.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

Senator Smith announced that there will be a Democrat caucus at 5:00 o'clock p.m.

At the hour of 2:55 o'clock p.m., on motion of Senator Karpiel, the Senate stood adjourned until Thursday, November 16, 2000 at 9:00 o'clock a.m.

[Nov. 15, 2000]